

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. _____
Amended

Debtor

**NOTICE OF MOTION AND CHAPTER 13
DEBTOR'S MOTION TO BUY, SELL, OR
ENCUMBER INTEREST IN PROPERTY**

NOTICE

1. YOU ARE NOTIFIED that the motion below was filed by the debtor to [*check all that apply*]:
 - Buy property
 - Sell property
 - Encumber property (including refinance of property and loan modification)
2. If you wish to object to the motion, you must, within ~~21~~ 14 days per Doc 45 after the service date in paragraph 5 below, file with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204 or 405 E 8th Ave. #2600, Eugene OR 97401 a written objection stating the specific facts upon which the objection is based, and include a certificate of service of the objection on the movant.
3. **Failure to Object.** If you fail to file a timely objection, then the court may sign an order without further notice, submitted by the moving party on Local Bankruptcy Form 1301.5, granting the relief requested in the motion.
4. This document constitutes the notice required by Local Bankruptcy Rule 2002-1.
5. I certify that on _____ this document was:
 - a. served under Federal Rule of Bankruptcy Procedures (FRBP) 7004, on the debtor, chapter 13 trustee, U.S. trustee, each holder of liens or encumbrances on the property, and their attorneys; and
 - b. was sent, pursuant to FRBP 2002(a), to all creditors and all parties as listed in the court's records that were obtained on _____, a copy of which is attached to the document filed with the court.
6. For further information, contact [*enter name and contact information of debtor's attorney, or, if no debtor's attorney, debtor*]:

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

MOTION

Information About the Property

[Movant must complete this entire section]

1. **Description of the Property** [for example, real property address; car model, year, and VIN; or manufacturer and serial number]:

Is the property the debtor's primary residence? Yes No

Additional property description attached? Yes No

2. **Description of Existing Liens and Encumbrances on the Property, Listed in Priority Order** [for property debtor is purchasing, do not include liens and encumbrances of the existing owner that will be satisfied at the closing of the purchase]:

Name of Holder	Approximate Amount	Interest Rate	Maturity Date	Proposed Treatment (fully paid, partially paid, or not paid)

Additional information on existing liens and encumbrances attached? Yes No

Relief Requested

[Movant must complete each applicable part of this section; inapplicable parts of this section may be left blank.]

3. **Motion to Approve Purchase of Property.** Debtor hereby moves for the authority to purchase the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information--

Name of seller:

Relationship of seller to debtor:

Purchase price: \$

Anticipated closing date:

Other relevant terms of purchase:

Source of funds for purchase:

4. **Motion to Approve Sale of Property.** Debtor hereby moves for the authority to sell the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information--

Name of buyer:

Relationship of buyer to debtor:

Sale price: \$

Anticipated closing date:

Other relevant terms of sale:

Anticipated net proceeds:

Disposition of anticipated net proceeds (other than payment of liens and encumbrances described in paragraph 2 of this motion):

5. **Motion to Approve Encumbrance of Property** (including refinance of property and loan modification). Debtor hereby moves for the authority to encumber the property described in paragraph 1 of this motion. In support of this motion, debtor provides the following information—

Encumbrance type: New Loan Refinance Loan Modification

Name of lender:

Relationship of lender to debtor:

Principal amount of loan: \$

Interest rate:

Loan term/maturity date:

Payment amount and terms [*for example, monthly, interest only with balloon or fully amortizing, payable only after prior debt*]:

Closing costs:

Lien position [*senior lien, second position lien, etc.*]:

Amount of cash debtor will receive from refinance: \$0 \$

Use of any cash debtor receives:

If this is a refinance or loan modification, explain how the new terms compare with the prior terms:

Points and Authorities

[Movant must complete this entire section]

6. **Basis for Relief.** Debtor asserts that the court should grant the relief requested because:

- Consents to this motion
Opposes this motion
Takes no position on this motion
Other:

8. **Plan**

- a. Does the chapter 13 plan contemplate the relief requested herein? Yes No
b. Effect on Plan or Plan Payments. Check all that apply:

Satisfies an arrearage or other secured debt being paid in the plan. Debtor anticipates an increased or a reduced housing expense of \$_____ compared to the amount listed in the most recently filed Schedule J. Net proceeds will be used to complete debtor's obligations under the plan.

Net proceeds will be used to pay all creditors in full.

Other:

9. Exhibits

In support of this motion, debtor hereby attaches the following exhibits [*for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement*]:

None

Exhibits:

Exhibit Number <i>[for example, Exhibit B]</i>	Exhibit Description <i>[for example, purchase and sale agreement, note, deed of trust, preliminary title report, estimated closing statement]</i>

10. Declarations

In support of this motion, debtor hereby attaches the following declarations:

None

Declarant names:

Date

Signature & Relation to Movant

Debtor's Address & Last 4 Digits of Taxpayer ID#

EXHIBIT A

American Land Title Association

ALTA Settlement Statement - Seller

Adopted 05-01-2015

File No./Escrow No.: 579512AM
Officer/Escrow Officer: Melissa Cook

AmeriTtitle, LLC
300 Klamath Ave.
Klamath Falls, OR 97601
(541)883-3401

Property Address: 4436 AUSTIN ST
KLAMATH FALLS, OR 97603 (KLAMATH)
(3909-010CD-07000)

Buyer: ERIK SLIKKER
710 Wocus St.
Klamath Falls, OR 97601

Seller: JERRY ROSE
MALINDA ROSE
802 Riverside Dr.
Klamath Falls, OR 97601

Settlement Date: 3/16/2023

Disbursement Date:

Description	Seller		
	P.O.C.	Debit	Credit
Deposits, Credits, Debits			
Sale Price of Property			\$232,000.00
Seller credit to buyer's closing costs		\$6,960.00	
Prorations			
County Taxes 3/16/2023 to 7/1/2023			\$354.38
SSSD Assessments 3/16/2023 to 7/1/2023			\$130.14
KID Assessments 3/16/2023 to 1/1/2024 @ \$85.75/Year			\$68.37
Payoffs			
ESTIMATED Payoff of First Mortgage Loan to Rushmore Loan Management Services			\$93,863.82
Payoff of Second Mortgage Loan to Oregon Housing & Community Services			\$2,787.98
Principal: \$2,787.98			
Balance of assessment to South Suburban Sanitary District			\$118.98
ESTIMATED Judgment payoff to			\$6,500.00
Principal: \$4,248.22			
Interest, 6/19/2019 to 3/31/2023 @\$1.0475/day: \$1,446.60			
Commissions			
Real Estate Commission to Coldwell Banker Holman Premier Realty			\$6,960.00
Real Estate Commission to Bold Realty			\$6,960.00
Title Charges			
Title - Owner's Title Insurance to AmeriTtitle, LLC			\$780.00
Title - Settlement or Closing Fee to AmeriTtitle, LLC			\$450.00
Title - Local Government Lien Search - Seller Debit to AmeriTtitle, LLC			\$40.00
Title - Courier/Delivery/Postage Fee to AmeriTtitle, LLC			\$25.00
Title - Release/Tracking Fee - Seller to AmeriTtitle, LLC			\$380.00
Additional Settlement Charges			

File # 579512AM

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Reimbursement for Paint to Sherry E. McManus	\$3,500.00		\$3,500.00
Engineer Foundation Cert - ESTIMATED to	\$650.00		\$650.00
ESTIMATED est & Dry Rot Inspection to	\$175.00		\$175.00
		P.O.C.	Debit
Subtotals		\$0.00	Credit
Due To Seller			\$130,150.78
Totals			\$232,552.89
			\$102,402.11
			\$232,552.89

Please note, our wire instructions will not change. If you should get emails requesting a change to the wire instructions, please contact me immediately at (541)883-3401. We bring this to your attention because, unfortunately, real estate transactions are a target for wire fraud.

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize AmeriTtitle, LLC to cause the funds to be disbursed in accordance with this statement.

SELLER(S)

JERRY ROSE

MALINDA ROSE

SETTLEMENT COORDINATOR

Melissa Cook

File # 579512AM

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Label Matrix for local noticing

0979-6

Case 19-62378-tmr13

District of Oregon

Eugene

Thu Feb 23 13:39:23 PST 2023

CREDITS INCORPORATED

PO BOX 127

HERMISTON, OR 97838-0127

405 E 8th Ave #2600

Eugene, OR 97401-2725

Aaron's Inc.

c/o John W. Robinson, CEO

400 Galleria Pkwy SE

Suite 300

Atlanta, GA 30339-3182

Charter Communications - Spectrum

400 Atlantic Street

10th Floor

Stamford, CT 06901-3512

Cheryl Slover

7008 Airway Dr

Klamath Falls, OR 97603-9463

Chrysler Capital.

c/o Sergio Marchionne, CEO

1000 Chrysler Drive

Auburn Hills, MI 48326-2766

Comprehensive Pain Solution

6915 SW Macadam Ave #102

Portland, OR 97219-2364

Credit Bureau of Klamath County.

c/o Angela M. Trainor, Auth. Rep.

839 Main Street

Klamath Falls, OR 97601-6011

Credit One Bank.

c/o Robert Dejong CEO

6801 S Cimarron Rd

Las Vegas, NV 89113-2273

IRS

Centralized Insolvency Oper.

PO Box 7346

Philadelphia, PA 19101-7346

Karen A Moore, Attorney

PO Box 5107

Klamath Falls, OR 97601-0138

Klamath County Fire District #1

POB 1930

Klamath Falls, OR 97601-0226

Klamath Orthopedic Clinic

2200 Bryan Williams Dr

Klamath Falls, OR 97601-1121

LVNV Funding, LLC

Resurgent Capital Services

PO Box 10587

Greenville, SC 29603-0587

My Hearing Center

2578 Daggett Ave

Klamath Falls, OR 97601-1127

ODR

Attn: Bankruptcy Unit

955 Center St NE

Salem, OR 97301-2555

ODR Bkcy

955 Center St NE

Salem OR 97301-2555

Oregon Affordable Housing Assistance

c/o Diana Koppes, RA

725 Summer St. NE, Suite B

Salem, OR 97301-1266

Pacific Crest Federal Credit Union

c/o Melody Aguiar, VP of Operations

2972 Washburn Way

Klamath Falls, OR 97603-4522

Rogue Credit Union

PO Box 4550

Medford, OR 97501-0275

Santander Consumer USA Inc

an Illinois corporation d/b/a

Chrysler Capital

1601 Elm St Ste 800

Dallas TX 75201-7260

Sky Lakes Medical Center.

2865 Daggett Ave.

Klamath Falls, OR 97601-1106

South Suburban Sanitary District

c/o Robon Evans, Manager

2201 Laverne Ave

Klamath Falls, OR 97603-4570

U.S. Bank National Association

Rushmore Loan Management Services

P.O. Box 55004

Irvine, CA 92619-5004

US Trustee, Eugene

405 E 8th Ave #1100

Eugene, OR 97401-2728

Valley Garage Door

230 East Main St

Klamath Falls, OR 97601-3232

Verizon

by American InfoSource as agent

4515 N Santa Fe Ave

Oklahoma City, OK 73118-7901

Wells Fargo Bank, N.A.

Wells Fargo Card Services

PO Box 10438, MAC F8235-02F

Des Moines, IA 50306-0438

Wells Fargo Bank, N.A.

c/o Tim Sloan, CEO

420 Montgomery Street

San Francisco, CA 94163-0001

Wells Fargo Home Mortgage, Inc.
c/o Wells Fargo Bank, NA
c/o Tim Sloan, CEO
420 Montgomery St
San Francisco, CA 94104-1298

Wells Fargo USA Holdings, Inc.
c/o Wells Fargo Bank, N.A., as Servicer
Default Document Processing
1000 Blue Gentian Road, MAC#N9286-0
Eagan MN 55121-1663

Jerry Lynn Rose
4436 Austin Street
Klamath Falls, OR 97603-7856

Malinda Lee Rose
802 Riverside Dr
Klamath Falls, OR 97601-4260